

REMARKS

After careful consideration of the outstanding FINAL Office Action, this application has been amended accordingly, and favorable reconsideration and allowance of the claims or record is herewith respectfully requested.

Claims 10 and 28 stand as the only independent claims of record and each of these claims include substantially identical structure. Claim 10 was rejected under 35 U.S.C. § 102(b) "as being anticipated by DE Patent No. 3834812 to Baumli" while claim 28 was rejected "under 35 U.S.C. 103(a) as being unpatentable over Baumli in view of Werjefelt."

Each of claims 10 and 28 call for first and second paper sheets having first and second opposite surfaces with major and minor opposing surface area portions being in surface-to-surface opposing relationship and "being adhesively bonded to each other." The patent to Baumli is absolutely silent with respect to opposing surfaces "being adhesively bonded to each other."

Each of claims 10 and 28 further require, prior to this amendment, that the germinative seed be housed "between said minor opposing surface area portions." The latter is not true in the patent to Baumli because the seeds are housed between the **major** opposing surface area portions.

Each of claims 10 and 28, again prior to this amendment, require that the minor opposing surface area portions and the germinative seed housed therein "can be entirely bodily removed as a plantable unit from said major opposing surface area portions along said lines of perforations for subsequent planting." The latter limitation also lacks any comparable structure in the Baumli patent.

Finally, to avoid any question of lack of anticipation and clear unobviousness, the germinative seed is now recited as being both housed

"and confined between said minor opposing surface area portions" such that the "minor opposing surface area portions and the confined germinative seed housed therein" can be bodily removed and planted as a unit. Obviously, the latter recitations also lack counterpart disclosure in the Baumli patent.

In view of the foregoing, each of claims 10 and 28 include four structural limitations found lacking in the Baumli patent, and in view thereof the formal allowance of each of claims 10 and 28 is considered to be in order and would be most appreciated.

Though claim 28 was rejected under 35 U.S.C. § 103(a), the Werjefelt patent in no way assists rendering obvious the four structural limitations heretofore noted with respect to claim 10 and found in claim 28. Moreover, the Werjefelt patent is directed strictly to a calendar and has nothing to do with a plurality of sheets which each include a germinative seed. Accordingly, claim 28 also avoids the latter two patents under 35 U.S.C. § 103(a).

For the record, the 35 U.S.C. § 112, second paragraph rejection, appearing at page 2, beginning at paragraph 2 of the outstanding FINAL Office Action was discussed at the interview, the claims were found to be definite and the withdrawal of this rejection is respectfully requested.

Claim 25 was amended merely to correct a typographical error (space between "16" and "wherein").

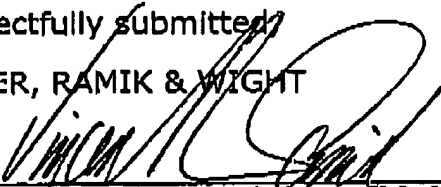
In view of the foregoing, since claims 10 and 28 are clearly directed to unanticipated and unobvious subject matter, the formal allowance of each of these two claims and the claims depending therefrom is believed to be in order and would be most appreciated.

The prompt passage of this application to issue at an early date is herewith respectfully requested.

Respectfully submitted,

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